
Appeal Decision

Site visit made on 17 April 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2023

Appeal Ref: APP/G1630/W/22/3311465

Land at Tredington Park, Tredington GL20 7DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Ms Clare Gallie against the decision of Tewkesbury Borough Council.
 - The application Ref 22/00443/PIP, dated 1 April 2022, was refused by notice dated 24 May 2022.
 - The development proposed is permission in principle for one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for up to one dwelling on the appeal site. I have determined the appeal accordingly.
4. At the time the Council decision was made, the Tewkesbury Borough Local Plan 2011-2031 (LP) was at an advanced stage of examination but had not been adopted. Emerging plans within the Pre-Submission Version of the Tewkesbury Borough Local Plan 2011 – 2031 (October 2019) were given due consideration. The LP was subsequently adopted in June 2022. The courts have confirmed that Inspectors need to make their decisions on the basis of the development plan in place at the time of their decision, which now includes the adopted LP as well as the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy 2011-2031 (adopted 2017) (JCS). The appeal statement of case from both the Council and the appellant considers the adopted LP.

5. The application was refused on the basis of Policies SP2, SD4, SD6, SD10 and INF1 of the JCS; and Policies RES3, RES4, RES5 and TRAC1 of the emerging LP. The JCS policies remain in force. I have not been made aware of any material changes to Policies RES3, RES4, RES5 and TRAC1 between the pre-submission version and the adopted version. Therefore, the relevant policies against which this appeal will be determined are as stated in the decision notice, with full weight now afforded to LP Policies.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location and land use

7. The appeal site comprises part of an open and undeveloped field, located next to a small cluster of dwellings known as Tredington Park, which are loosely arranged around a central grassed area. I am informed the dwellings were converted from a hospital in the 1990s. To the west and south of the site are the existing dwellings, with a track to the north and east. Tredington Park and the appeal site are bounded by mature trees and hedgerow which largely screen it from view from the road and the wider countryside.
8. Policy SP2 of the JCS guides new housing to sustainable and accessible locations, with Policies SD10 of the JCS and RES3 and RES4 of the LP providing further detail. Tredington does not have a defined settlement boundary, the site is not allocated, and the proposal is not for affordable housing, rural workers or re-use of a building. Consequently, to be an acceptable location for new housing in compliance with Policy SD10 the proposal would need to be infilling within the existing built-up area. To comply with Policies RES3 and RES4, amongst other things, it would need to be very small scale development within or adjacent to the built up area of a rural settlement and complement the form of the settlement.
9. The supporting text for Policy RES4 specifies that for the purpose of that policy and the application of Policy SD10, the Council will consider the built-up area of a settlement to be its continuous built form...excluding individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement. The supporting text to Policy SD10 sets out that infill development means the development of an under-developed plot, well related to existing built development.
10. Tredington is primarily a linear village, extending along Stoke Road. To the western edge of the village is Mill Farm Barn and a T Junction, beyond which is the village sign and the change in road speed from 30 to 40mph. There is then a clear and distinct break in built form, with fields on both sides of the road. The appeal site lies further to the west, beyond the clear and distinct break in built form. Therefore, the site is not within the existing built-up area of Tredington village, or adjacent to it.
11. One dwelling would not be disproportionate to the size of the village, and it would be well related to the existing dwellings at Tredington Park, without any significant impact on neighbour amenity. Notwithstanding this, Tredington Park

is itself a group of dispersed buildings clearly detached from and outside of the continuous built form of Tredington village. The site is currently an open field on the edge of Tredington Park, between the existing dwellings and undeveloped land. As such, I do not consider the site to be under-developed or the proposal to constitute infilling.

12. The parties acknowledge that Tredington village lacks basic services and facilities, and this was evident during my site visit. There are bus services within a reasonable distance which run regularly to larger settlements and both local and national policy recognises that travel and modes of transport will differ between urban and rural areas. However, there is no footway from the site to the village or to the A38, and this section of Stoke Road has no street lighting. Therefore, whilst it may be possible to walk, cycle or use public transport to access services and facilities elsewhere, it is likely that the occupants of the proposed dwelling would primarily rely on private motor vehicles. This is the least sustainable form of transport.
13. The introduction of a dwelling to the site and the associated use of the land for residential purposes would inevitably domesticate it, resulting in an urbanising impact which extended built form into the countryside. Separation distance and screening provided by mature vegetation mean that any visibility of the proposal from the road would be minimal, but it would be more visible from nearby public rights of way. Despite this, given that the proposal would predominantly be viewed in the context of the existing residential development at Tredington Park, it would not result in intrinsic harm to the open and undeveloped character of the rural landscape.
14. For the reasons set out, I conclude that in principle, the site is not suitable for residential development, having regard to its location and proposed land use. The proposal would erode the Council's overall development plan strategy for housing location and undermine the plan-led approach to the delivery of housing. It would be contrary to Policies SP2, SD10, SD4 and INF1 of the JCS and RES3, RES4 and TRAC1 of the LP. Together, amongst other things, these policies seek to restrict the development of new housing outside of settlements, especially where access to services and facilities is limited, and to prioritise movement by sustainable transport and promote pedestrian accessibility and travel choice. However, I find no specific conflict with Policies SD6 of the JCS or RES5 of the LP in so far as they seek to protect landscape character.

Amount

15. The site is of a sufficient size to accommodate a single dwelling and associated parking and amenity space. This does not outweigh the harm caused by the proposed location and land use conflicting with the development plan.

Planning balance

16. The Council state that the latest Tewkesbury Borough Interim Five Year Housing Land Supply Statement, published in March 2023, shows they can demonstrate a 6.68 year supply of deliverable housing sites. The appellant disputes this, citing issues with matters including the calculation methodology and housing deliverability.

17. If the Council cannot evidence a 5 year supply of deliverable housing land, in accordance with the provisions of paragraph 11dii and footnote 8 of the National Planning Policy Framework (the Framework) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. In terms of benefits, the proposal would provide a new dwelling. There would also be short term economic benefits during construction of the dwelling and longer term economic and social benefits would arise from additional residents supporting facilities and services in the wider area. However, these benefits are tempered by the small scale of the proposal, and a single dwelling would make little difference to the wider supply of housing. I can therefore afford these benefits only limited weight.
19. The policies cited above remain broadly in line with the Framework in seeking to secure sustainably located housing, with access to services and facilities, and protecting the countryside from unjustified development. Therefore, I afford substantial weight to the conflict with these policies and the adverse impacts of the proposal, which are set out above.
20. Therefore, even if the Council cannot demonstrate a 5 year supply of deliverable housing land, and paragraph 11d were engaged, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, the paragraph 11d presumption in favour of sustainable development would not apply. The appeal scheme would conflict with the development plan and there would be no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with the development plan.

Other Matters

21. To the southeast, I consider the continuous built form of the Tredington settlement to end just before the village sign and the change in road speed from 30 to 40mph. Beyond that is a clear and distinct break in built form. Consequently, I consider the Tredington Primary School, which appears to be relatively new, to be outside of the main built form of the village. Hence the location of the school does not support the appellant argument that the site should be considered to be part of the village.

Conclusion

22. For the reasons given and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal is dismissed.

Helen Davies

INSPECTOR